

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services		(2) MEETING DATE January 10, 2006		(3) CONTACT/PHONE Duane P. Leib (805)781-5200		lvf	
(4) SUBJECT Request to approve a Resolution of Intention to Surplus and Sell a 0.78-acre Easement in County-Owned Real Property in the vicinity of the San Luis Obispo County Regional Airport to the Fiero Lane Mutual Water Company.							
(5) SUMMARY OF REQUEST Approval of the attached Resolution will set the date of January 24, 2006 for your Board to act on the surplus and sale of a 0.78-acre easement in certain real property in the vicinity of the San Luis Obispo County Regional Airport to the Fiero Lane Mutual Water Company.							
(6) RECOMMENDED ACTION The Department of General Services recommends your Board approve the attached Resolution, authorize the Chairperson to execute said Resolution, and direct the Clerk of the Board to publish notice of the surplus and sale.							
(7) FUNDING SOURCE(S) 1130700000		(8) CURRENT YEAR COST \$200		(9) ANNUAL COST N/A		(10) BUDGETED? <input type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> NO	
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel, County Planning, County Public Works							
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____							
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All				(14) LOCATION MAP <input type="checkbox"/> Attached <input type="checkbox"/> N/A			
(15) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)				(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A			
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A				(18) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A			

(19) ADMINISTRATIVE OFFICE REVIEW	



COUNTY OF SAN LUIS OBISPO
department of general services

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5200
DUANE P. LEIB, DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: *D. Leib* DUANE P. LEIB, GENERAL SERVICES DIRECTOR

DATE: JANUARY 10, 2006

SUBJECT: REQUEST TO APPROVE A RESOLUTION OF INTENTION TO SURPLUS AND SELL A 0.78-ACRE EASEMENT IN COUNTY-OWNED REAL PROPERTY IN THE VICINITY OF THE SAN LUIS OBISPO COUNTY REGIONAL AIRPORT TO THE FIERO LANE MUTUAL WATER COMPANY.

RECOMMENDATION

The Department of General Services recommends your Board approve the attached Resolution by a four-fifths vote, authorize the Chairperson to sign said Resolution, and direct the Clerk of the Board to publish the notice of intention to surplus and sell.

DISCUSSION

The County of San Luis Obispo currently owns several parcels of land along Airport Drive, Aero Drive, and Airport Road near San Luis Obispo County Regional Airport. The County also owns a 2-acre site on Santa Fe Road, APN 076-401-046, which is leased by the Fiero Lane Mutual Water Company (hereinafter referred to as "Grantee") for a water evaporation pond related to their water treatment facility.

The Grantee wishes to accommodate a request to treat wastewater generated by a commercial project on Broad Street (Senn/Glick). A 10-foot wide permanent, non-exclusive easement on County property to install and maintain two 4-inch pipelines to and from the commercial development would be required. The trench would be approximately 4 ½ feet deep and two feet wide, and the total area is approximately 0.78 acres. The Grantee would repair and replace all improvements and landscaping. In the event of the relocation of a roadway, Grantee would move the pipelines at Grantee's sole cost.

San Luis Obispo County Regional Airport requires, at the same time, the relocation of the Grantee's water evaporation pond due to the runway expansion project. The current term of the lease expires December 30, 2011, but the County will need the property vacated no later than June 30, 2007. The exchange of an easement in County property for an earlier lease termination is a mutual benefit to both parties.

B. J.

The Department of General Services ordered an appraisal to compare the value of the easement with the remaining term of the evaporation pond leasehold site. The easement was valued at \$85,000 and the leasehold interest was valued at \$115,000. After negotiating for an increase of the easement area, the parties agreed that Grantee would pay a net amount of \$41,000. Since a portion of the easement area is located on County property that is occupied by Mabelle Pence, a life-estate holder, a proportionate share of the proceeds amounting to \$2,829 will be paid to Mrs. Pence.

Since the exact location of the pipeline may change in the field during installation in order to accommodate existing physical conditions, staff requests authorization from the Board allowing the General Services Director to sign and record an Amended Easement Agreement if necessary. Such amendment would be in substantial conformity with the original agreement and place no increased burden upon the County's properties.

Government Code section 25365 allows the County Board of Supervisors, with a four-fifths vote, to declare its intention to sell surplus property not required for County use in exchange for other property that is required for County use. The Board must publish their intention to sell the easement in a newspaper of general circulation for at least one week prior to the sale (Govt. Code, Section 6061). If approved by the Board, the Department of General Services will return on January 24, 2006 to finalize the sale, with a projected closing date on or before June 30, 2006.

OTHER AGENCY INVOLVEMENT

County Planning has stated that the sale of this easement does not require a General Plan Conformity Report, and that a review by the Airport Land Use Commission is not necessary because there are no above-ground structures. The County Environmental Coordinator has determined that the sale of this easement is a Class 4 Categorical Exemption pursuant to the California Environmental Quality Act. County Public Works has reviewed the location and has requested that the Grantee apply separately for an encroachment permit to cross public roads to complete the project. County Counsel has reviewed and approved the Resolution and the Easement Agreement as to form and legal effect.

FINANCIAL CONSIDERATION

The County paid \$2,000 last fiscal year toward the cost of the appraisal. An additional \$200 cost this year will be paid to publish the legal notice. The \$38,171 net proceeds from this sale shall be deposited this fiscal year to the San Luis Obispo County Regional Airport, Account #4150025, WBS project #300013, Runway Extension.

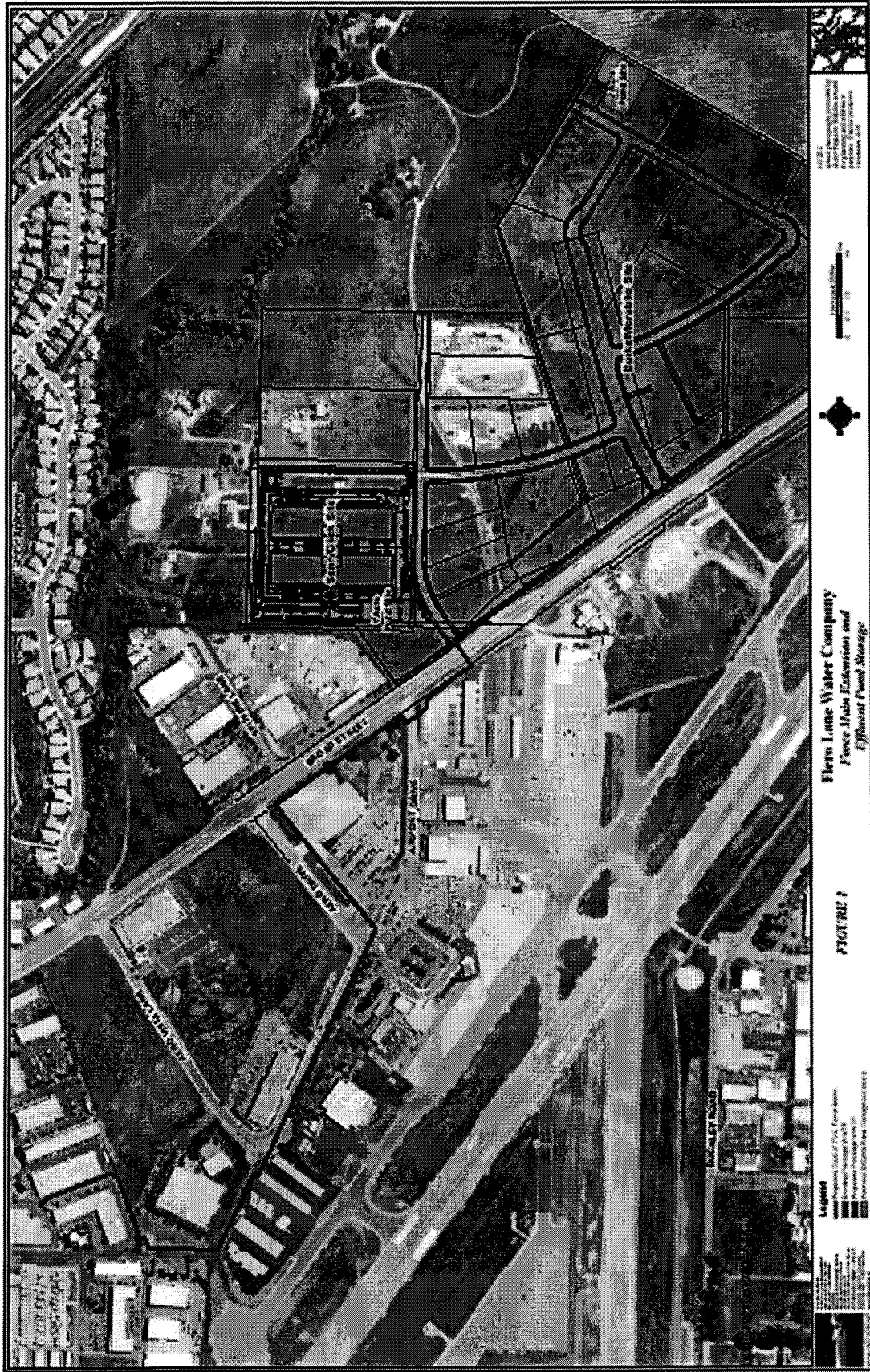
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Board of Supervisors
January 10, 2006
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RESULTS

Approval of the attached Resolution by a four-fifths vote will set the date of January 24, 2006 for your Board to act on the surplus and sale of an easement in County-owned property in the vicinity of the San Luis Obispo County Regional Airport to the Fiero Lane Mutual Water Company and will authorize the Clerk of the Board to place a legal notice of County's intent to sell in a County newspaper of general circulation.

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____
RESOLUTION OF INTENTION TO GRANT EASEMENT IN COUNTY-OWNED
REAL PROPERTY TO THE FIERO LANE MUTUAL WATER COMPANY

The following Resolution is hereby offered and read:

WHEREAS, County is the owner of certain real property situated in an unincorporated area of San Luis Obispo County, California near the San Luis Obispo County Regional Airport (hereafter referred to as the "County Properties"), and more particularly described in Exhibits "A" and "B" attached hereto; and

WHEREAS, the Fiero Lane Mutual Water Company, a California Corporation (hereinafter referred to as Grantee"), currently leases approximately 2.0 acres of property on Santa Fe Road, APN 076-401-046, from the County for a wastewater disposal area to accommodate wastewater generated at Grantee's facilities located in the vicinity of County property; and

WHEREAS, said lease was executed on July 19, 2001 and expires December 30, 2011; and

WHEREAS, in order to accommodate a service request from a commercial development near the San Luis Obispo County Regional Airport, Grantee desires to acquire a ten-foot-wide permanent, non-exclusive easement of approximately 0.78 acres in the County Properties for the installation, construction, repair, and maintenance of two 4-inch PVC underground wastewater pipelines, as described in Exhibits "A" and "B" attached hereto; and

WHEREAS, County anticipates needing the 2.0-acre lease site as part of the Airport Master Plan Development prior to the expiration of Grantee's lease; and

WHEREAS, in exchange for the easement, Grantee agrees to pay \$41,000 in cash and to amend the expiration date of Grantee's current lease on the 2.0-acre lease site from December 30, 2011 to June 30, 2007; and

WHEREAS, a portion of the easement consisting of an area approximately one hundred and eighty-one (181') feet long by ten (10') feet in width crosses APN 076-401-021, which is affected by a life estate interest held by Mabelle H. Pence as specified in the County's Purchase Agreement executed by the San Luis Obispo County Board of Supervisors on June 17, 1986; and

WHEREAS, a prorated share of the \$41,000 cash compensation amounting to \$2,829 will be paid by separate check to Mabelle H. Pence as the life estate holder, with the balance of \$38,171 payable to the County; and

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WHEREAS, the exact location of the wastewater pipeline may change slightly in the field during installation to accommodate existing physical conditions; and

WHEREAS, any minor change in the location of the pipeline would require an amended grant of Easement Agreement with revised legal description; and

WHEREAS, the County Planning Department has determined that the County's grant of said easement does not require a General Plan Conformity Report; and

WHEREAS, the County Environmental Coordinator has determined that this grant of easement is a Class 4 Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) (Public Resources Codes, Section 21000 et seq.), as implemented by the State CEQA Guidelines, California Code of Regulations, Section 15304; and

WHEREAS, County staff has inspected the property and advises that the easement will not impact the use of the property for any County purpose; and

WHEREAS, the easement requires Grantee to relocate the pipeline at Grantee's expense in the event of roadway realignment; and

WHEREAS, review by the County Airport Land Use Commission is not required because there will be no above-ground structures; and

WHEREAS, it is in the best interest of the County of San Luis Obispo to grant said easement in exchange for cash compensation as well as amended lease terms on the parcel that Grantee currently leases from the County;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Pursuant to Government Code 25365 and with a four-fifths vote, the Board finds these properties and the easement to be deeded will not interfere with County use.
2. Pursuant to Government Code 25365 the Board declares its intention to sell an easement in real property to the Fiero Lane Mutual Water Company.
3. That the Board of Supervisors finds that pursuant to the California Environmental Quality act (CEQA) (Public Resources Code, Section 21000 et seq.), as implemented by the State CEQA Guidelines, California Code of Regulations, the granting of this easement is Categorically Exempt (Class 4).
4. Said sale shall be upon the following terms and conditions:
 - a. The County Real Property Manager shall deliver the Easement Agreement to the Clerk of the Board for recordation following receipt of cashier's checks in the amounts of \$38,171 payable to County of San Luis Obispo and \$2,829 payable to Mabelle H. Pence.
 - b. Payment of the two cashier's checks totaling the \$41,000 sales price shall be payable on or before June 30, 2006.
 - c. Fiero Lane Mutual Water Company shall amend the expiration date of their current lease on the 2.0-acre lease site from December 30, 2011 to June 30, 2007.
 - d. County does not expressly or impliedly warrant marketability of title.
5. The Clerk of this Board is directed to give notice of this Board's intention to surplus and sell an easement in real property pursuant to Government Code Section 25365 with notice

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as per Government Code Sections 6061 in a newspaper of general circulation published in the County.

6. This Board hereby sets January 24, 2006 at 9:00 AM, or as soon as possible thereafter, in the chamber of the Board of Supervisors, New County Government Center, 1055 Monterey Street, San Luis Obispo as the time and place to act on the surplus and sale of the aforementioned easement in real property.
7. That the Board of Supervisors authorizes the \$38,171 in cash to be received by the County for this Easement Agreement will be deposited to San Luis Obispo County Regional Airport, account #4150025, WBS project #300013, Runway Extension, and the \$2,829 check payable to Mabelle H. Pence to be delivered to Mrs. Pence by the County Real Property Manager.
8. That the Board of Supervisors authorizes the Director of General Services to sign and record an Amended Easement Agreement, if required due to minor changes of location of the wastewater pipeline during installation, provided that such Amended Easement Agreement is in substantial conformity with the original agreement and places no increased burden upon the County's properties.

Upon Motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Date: 12/28/05

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**NOTICE OF INTENTION TO SURPLUS AND SELL
AN EASEMENT IN COUNTY-OWNED REAL PROPERTY
IN THE AREA OF SAN LUIS OBISPO COUNTY REGIONAL AIRPORT**

Notice is hereby given, pursuant to California Government Code section 6061, that the County of San Luis Obispo intends to sell an easement in County-owned real property located in the vicinity of the San Luis Obispo County Regional Airport to the Fiero Lane Mutual Water Company ("Grantee") in exchange for cash plus amended lease terms on Grantee's lease site for their existing water evaporation pond.

A description of said real property is on file in the office of the County Department of General Services, located at 1087 Santa Rosa Street, San Luis Obispo. The County Board of Supervisors intends to act on this sale at a regular meeting of said Board occurring in the board Chambers, New County Government Center, 1055 Monterey Street, San Luis Obispo, at 9:00 AM, or as soon as possible thereafter, on Tuesday, January 24, 2006. Questions may be directed to the Real Property Services Division at 781-4688 or by fax to (805) 781-1364.

DATE: _____

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Board of Supervisors

By: _____,
Deputy Clerk-Recorder

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EXHIBIT "A"
LEGAL DESCRIPTION
10 foot wide Sanitary Sewer Easement

Project No: 0314.0005

December 16, 2005

A 10 foot wide sewer easement over the lands of the County of San Luis Obispo, being portions of Lots 75 and 76 of the San Luis Obispo Suburban Tract in the County of San Luis Obispo, State of California as shown on the map filed in Book 1 of Licensed Surveys at page 92 in the County Recorder's Office of said County of San Luis Obispo, the centerline of said easement described as follows:

Commencing at the southwest corner of Tract No 712 in the County of San Luis Obispo, as shown on the map filed in Book 10 of Maps at page 49 in the County Recorder's Office of said County, thence along the westerly line of said Tract north $01^{\circ} 35' 07''$ east 10.00 feet; thence north $88^{\circ} 24' 53''$ west 5.00 feet to a point that is 5.00 feet westerly of said westerly line, said point being the **True Point of Beginning**; thence parallel with said westerly line and the westerly line of Parcel 1 of Parcel Map CO 89-319 in the said County as shown on the map filed in Book 54 of Parcel Maps at page 61 in said County Recorder's Office and the extension thereof south $01^{\circ} 35' 07''$ west 303.81 feet to a point that is 21.00 feet southerly of the southerly line of said Parcel 1 also being the northerly line of the San Luis Obispo County Airport, as shown on the map filed with the County Surveyor of said County in Book A of County Surveys at page 6; thence parallel with said northerly line south $64^{\circ} 31' 20''$ east 348.50 feet; thence south $19^{\circ} 31' 20''$ east 31.11 feet to a point that is 43.00 feet southerly of said northerly line; thence south $64^{\circ} 31' 20''$ east 1142.65 feet to a point that is 5.00 feet easterly of the southwesterly extension of the westerly line of Parcel 2 of Parcel Map CO 79-28 in said County as shown on the map filed in Book 30 of Parcel Maps at page 23 in said County Recorder's Office; thence parallel with said westerly line and the westerly line of Parcel 1 of said Parcel Map CO 79-28 north $50^{\circ} 27' 20''$ east 677.76 feet to a point that is 5.00 feet southerly of the northerly line of said Parcel 1, also being the southerly right of way of State Highway 227; thence parallel with said southerly right of way south $35^{\circ} 13' 57''$

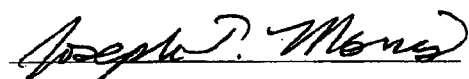
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east 654.95 feet to a point 5.00 feet northerly of the northerly line of the land conveyed to the State of California under a deed recorded in Volume 1825 of Official Records at page 70 in said County Recorder's Office; thence parallel with said northerly line, south 54° 40' 29" west 38.85 feet to a point that is 5.00 feet westerly of the westerly corner of said land conveyed to the State of California; thence parallel with said southerly right of way, south 35° 13' 57" east 106.99 feet to a point that is 5.00 feet southerly of the southerly right of way of Airport Drive, formerly known as Aero Loop as shown on said Parcel Map CO 79-28, thence parallel with said southerly right of way of Airport Drive, south 88° 45' 23" east 48.31 feet to a point 5 feet southerly of said southerly right of way of State Highway 227; thence, parallel with said southerly highway right of way south 35° 13' 57" east 257.84 feet.

Excepting therefrom any portion lying within Aero Drive and Airport Drive.

Containing approximately 0.78 acres.

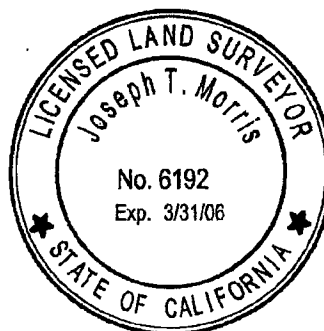
The above described land is graphically shown on the attached Exhibit B (4 sheets) and made a part hereof.



Joe Morris PLS 6192 Exp. 3/31/2006

12/16/06

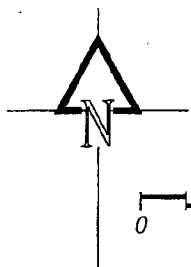
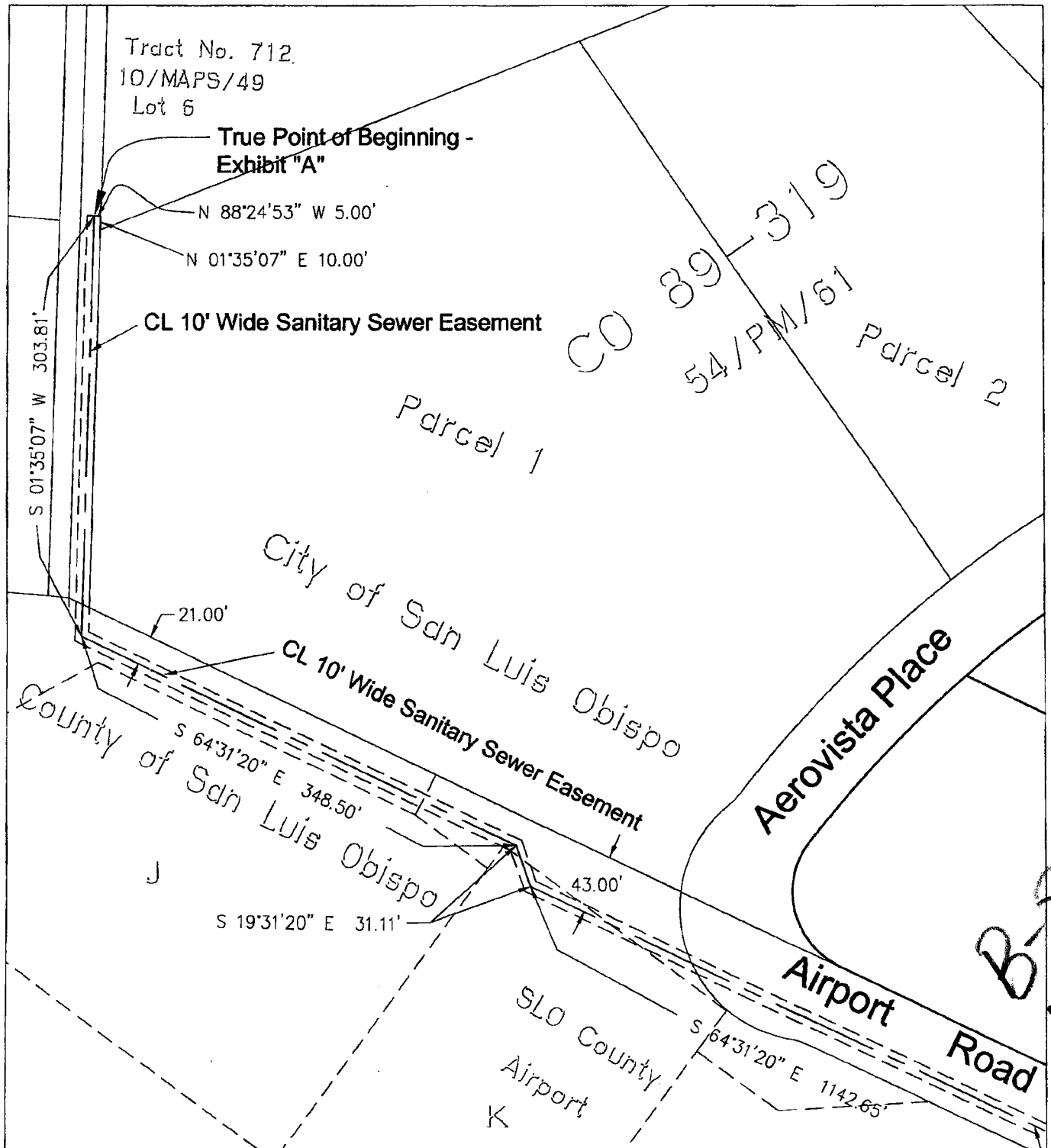
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Exhibit "B"

10' wide Sanitary Sewer Easement



SCALE : 1" = 100'



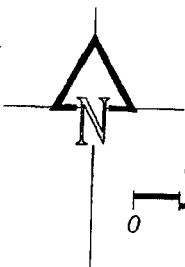
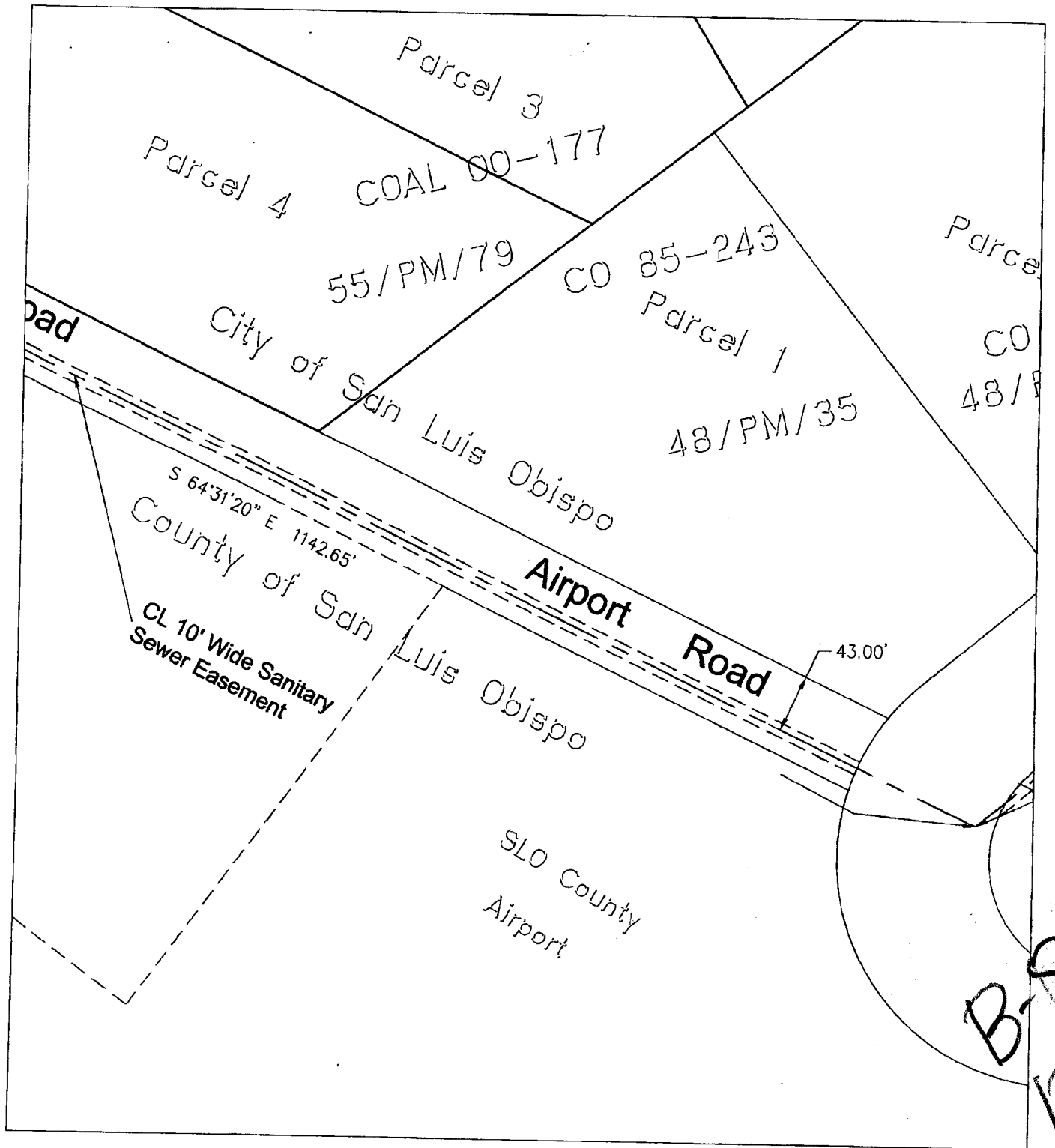
Project : 0314-005
Drawing : Layout
Date : December 14, 2005



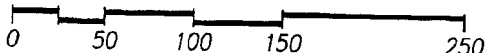
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CONSTRUCTION MANAGEMENT
LANDSCAPE ARCHITECTURE
MECHANICAL ENGINEERING
PLANNING
PUBLIC WORKS ADMINISTRATION
SURVEYING / GIS SOLUTIONS
WATER RESOURCES
WALLACE SWANSON INTERNATIONAL
4115 BROAD STREET, SUITE B-6
SAN LUIS OBISPO, CA 93401
T 805 544-4011 F 805 544-4294
www.wallacegroup.us

Exhibit "B"

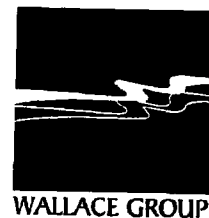
10' wide Sanitary Sewer Easement



SCALE : 1" = 100'



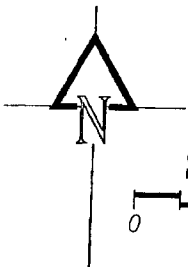
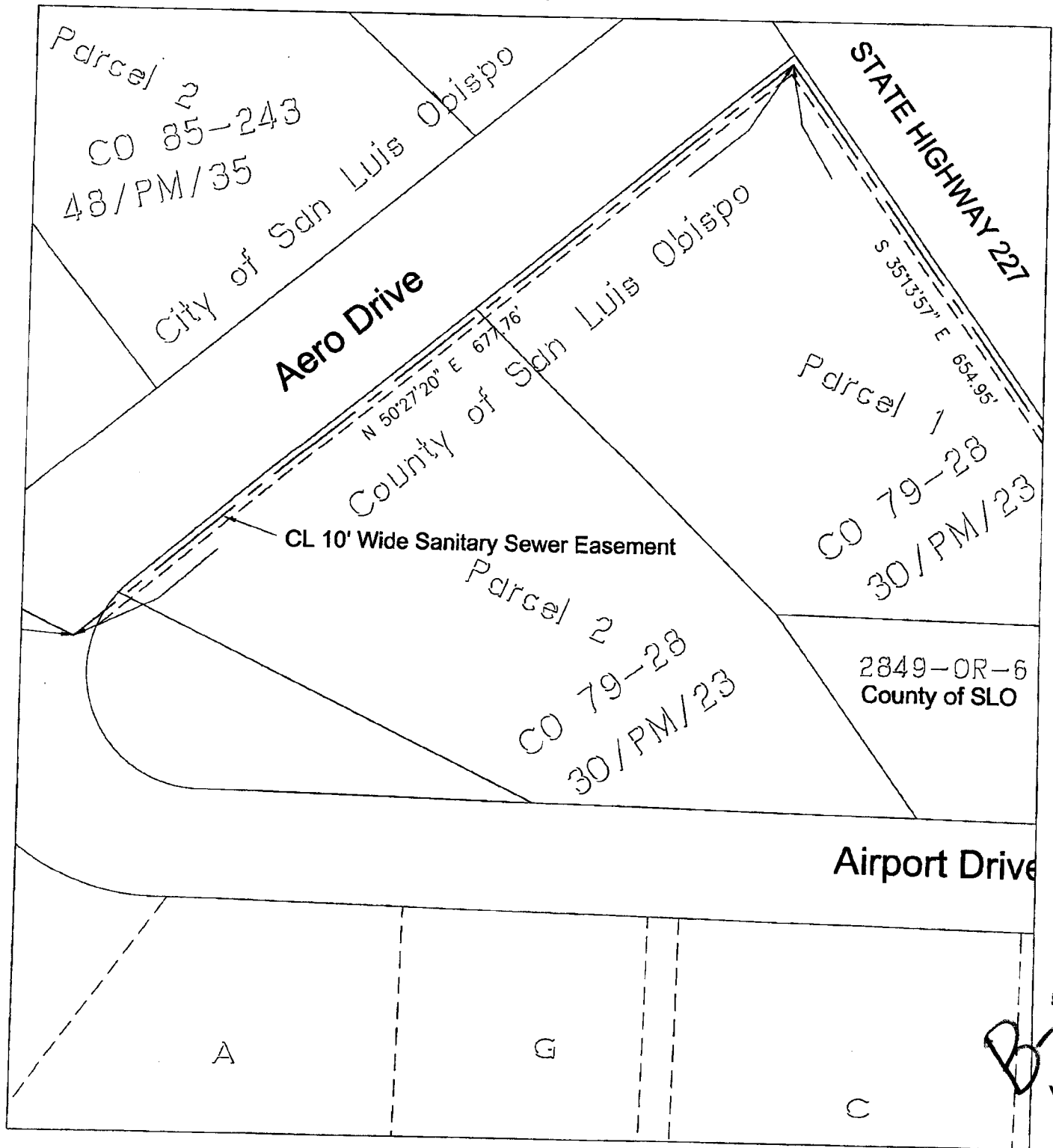
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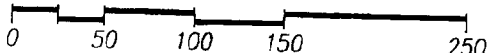
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Exhibit "B"

10' wide Sanitary Sewer Easement



SCALE : 1" = 100'



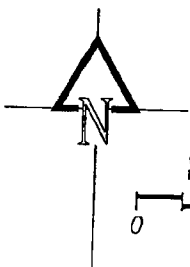
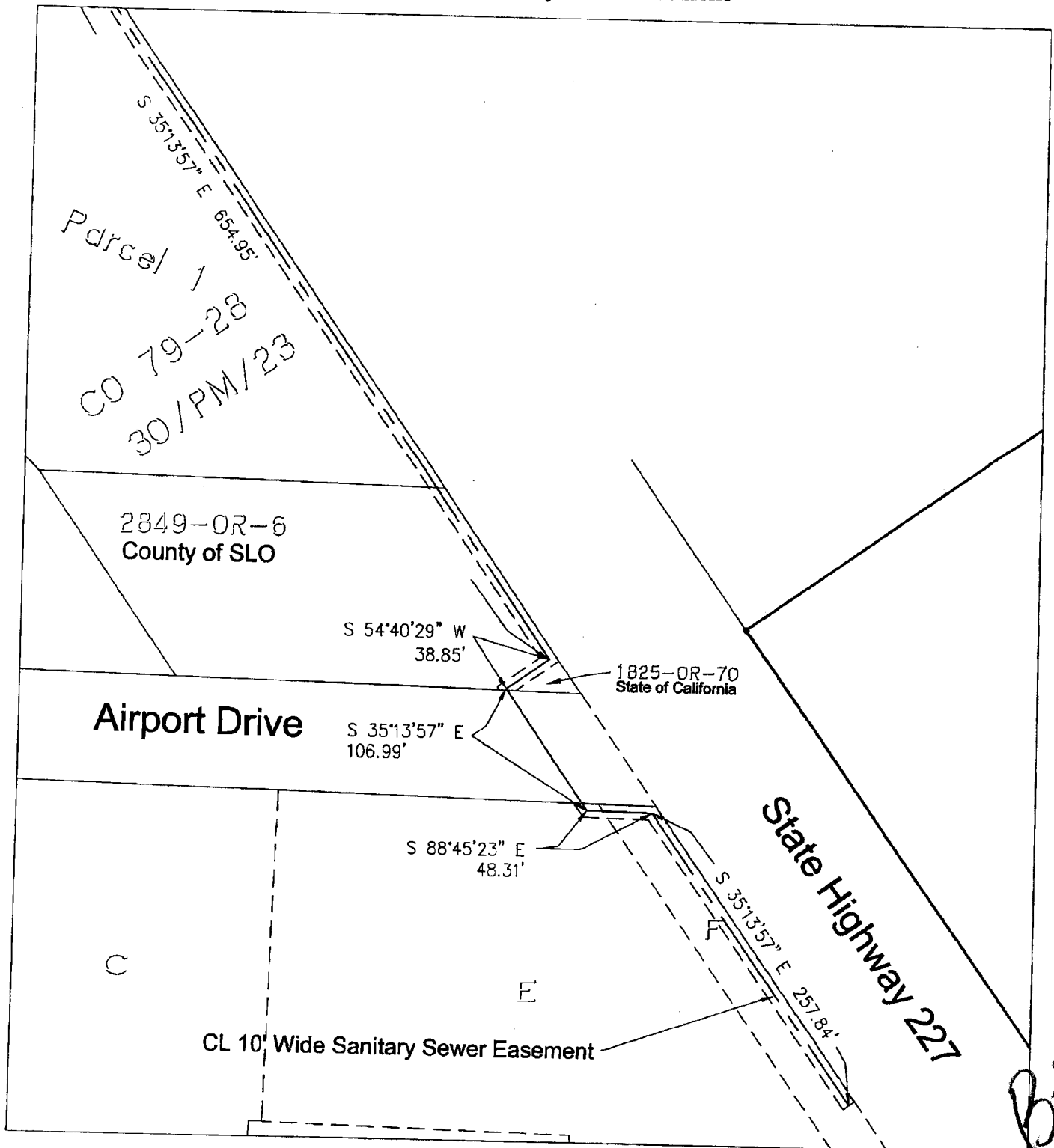
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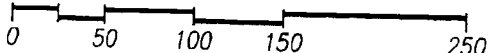
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Exhibit "B"

10' wide Sanitary Sewer Easement



SCALE : 1" = 100'



Project : 0314-005
Drawing : Layout
Date : December 14, 2005



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